



General Assembly

February Session, 2006

Substitute Bill No. 5704

* _____ HB05704FIN _____ 040506 _____ *

AN ACT CONCERNING MUNICIPAL FUNDS FOR OPEN SPACE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-25b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) Any municipality [which] that provides in regulations, adopted
4 pursuant to section 8-25, for the payment of a fee or the fair market
5 value of land transferred in lieu of any requirement to provide open
6 space, shall deposit any such payments in a fund [which] that shall be
7 used for the purpose of preserving open space or acquiring additional
8 land for open space or for recreational or agricultural purposes.

9 (b) Notwithstanding the provisions of subsection (a) of this section,
10 any municipality, by vote of its legislative body, may use such fund for
11 expenses incurred for the purchase of land and construction of
12 affordable housing.

13 Sec. 2. (NEW) (*Effective October 1, 2006, and applicable to assessment*
14 *years commencing on or after October 1, 2006*) (a) As used in this section:

15 (1) "Municipality" means any city, town, borough, district or
16 association with municipal powers; and

17 (2) "Open space land" means any area of land, including forest land,
18 the preservation or restriction of the use of which would (A) maintain

19 and enhance the conservation of natural or scenic resources, (B) protect
 20 natural streams or water supply, (C) promote conservation of soils,
 21 wetlands, beaches or tidal marshes, (D) enhance the value to the public
 22 of abutting or neighboring parks, forests, wildlife preserves, nature
 23 reservations or sanctuaries or other open spaces, (E) enhance public
 24 recreation opportunities, (F) preserve historic sites, or (G) promote
 25 orderly urban or suburban development.

26 (b) Any municipality may, by ordinance adopted by its legislative
 27 body, establish a program under which property taxes may be abated
 28 in exchange for the transfer to the municipality of development rights,
 29 conservation easements, rights-of-way or any combination thereof, to
 30 open space land. Such ordinance shall include, but not be limited to,
 31 provisions for requirements for application for the abatement, which
 32 shall include a certified appraisal of the property proposed for
 33 abatement both with and without development rights.

34 (c) The abatement shall be equal to the market value of the open
 35 space land, prorated for a period of not more than ten years. If the
 36 property is sold to the municipality, the abatement may be applied to
 37 any other taxable property in the municipality owned by the applicant.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	8-25b
Sec. 2	<i>October 1, 2006, and applicable to assessment years commencing on or after October 1, 2006</i>	New section

FIN *Joint Favorable Subst.*